REMARKS

Claims 1,7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akram et al U.S. Patent No 6,868,081 B1 in view of Shah et al U.S. Pub No 20030161295.

It would have been obvious to one of ordinary skill in the art to implement the teaching of Shah into Akram as to reduce network traffic by reducing the number of actual bits required to represent a larger input sequence therefore enhancing the performance or capacity of a file system.

Applicant has amended the claim to add the elements of Claim 2. As stated previously, Shah does not teach compressing the conventional analog voice traffic to occupy less bandwidth. This is the prior art section and Shah teaches against this. The Examiner cannot point to anywhere in Shah which teaches this section. The internet is what is described in Shah. Shah relates to VoIP traffic packets which have IP addresses imbedded in the payloads. Akram relates to the prior art described which is a PSTM. These references cannot be combined and the Examiner still has not pointed out why they would be.

By amending the claim to add the feature of Claim 2, the Examiner would then bring in Staples which relates to providing a remote user with a virtual presence to an office. Again, there is no reason for combining any of these references, and in fact the

references teach against this. Therefore, Claim 1 is allowable over the prior art.

As per claim 7, Akram and Shah et al in combination would teach further comprising a speech compression algorithm requiring between about 5.6 to 6.4 kbps of bandwidth as to reduce network traffic by reducing the number of actual bits required to represent a larger input sequence therefore enhancing the performance or capacity of a file system.

The Examiner still cannot point to the teachings of Claim 7 which require a compression algorithm requiring between 5.6 and 6.4 kbps of bandwidth. The Examiner states that this would be obvious without any prior art teachings. According to the MPEP the Examiner must point to something to show that this is obvious and not just make a statement. Therefore, Claim 7 should be allowable over the prior art.

As per claim 9, Akram and Shah et al in combination would teach wherein said system is connected to a copper line (see Akram col.1, line 51) by a COTS modem as to reduce network traffic by reducing the number of actual bits required to represent a larger input sequence therefore enhancing the performance or capacity of a file system.

The Examiner states that Akram teaches the use of a copper line when the applicant previously pointed out that Akram regards the copper line as a limitation and then states that one should not use a copper line. The Examiner did not address applicant's prior response

and just restates his rejection. Therefore, Claim 9 is allowable over the prior art.

Claims 2, 4-5, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akram et al U.S. Patent No. 6,868,081 B1 in view of Shah et al U.S. Pub No 20030161295 and in further view of Staples et al U.S. Patent No 6,301,339 B1.

As per claim 2 Akram et al and Shah in combination to teach all the feature of the claimed invention except wherein said modem is programmable.

Staples et al teaches wherein said modem is programmable (see col.13, lines 10-15 and col.16, line 66-col.17, line 10).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Staples into Akram and Shah et al as store program instructions and data executed by the processor as taught by Staples (see col. 16, lines 2-6).

The element of Claim 2 has been added to Claim 1. Applicant has addressed this above.

As per claim 4, Akram, Shah and Staples et al in combination would teach wherein said system is reprogrammed as needed as to accurately store all the data calls forwarded either from the user's office telephone or from the user's home telephone.

For the reasons stated above for Claim 1, Claim 4 is obvious over the prior art.

As per claim 5, Akram, Shah and Staples et al in combination would teach wherein said modem is downloaded on analog lines, cable, satellite and fiber lines (see Staples col.7, lines 14-18) as to facilitate the communication of data between two or more communications devices.

For the reasons stated above for Claim 1, Claim 5 is not obvious over the prior art.

As per claim 8, Akram, Shah and Staples et al in combination would teach wherein said modem further comprises field programmable gate array as store program instructions and data executed by the processor as taught by Staples (see col. 16, lines 2-6).

Applicant has previously addressed this and shown the section taught by the Examiner does not state what is claimed in the claim. Nowhere in what the Examiner cites does it relate to a modem comprising field programmable gate array chips. Therefore, Claim 8 is not obvious over the prior art.

As per claim 10, Akram, Shah and Staples et al in combination would teach wherein said system comprises two modems, one at each end of analog line; at first modem compresses and multiplexes data at a source end of said line; and a second modem demultiplexes and expands data at an exchange end of a copper line (see Staples fig. 2 and col.7, lines 56-65) as to facilitate the communication of data between two or more communication devices.

The cite to Staples does not relate to a first modem which compresses and a second modem which decompresses. No such language is found in Staples. Further, not only does Staples not teach the use of a copper line, but as stated above, Akram teaches against using a copper line. For all of these reasons, Claim 10 is not obvious over the prior art.

Claim 3 is rejected under 35 USC 103(a) as being unpatenable over Akram, U.S. 6,868,081 in view of Shah et al., U.S. Pub. No. 20030161295 and in further view of Bowen U.S. Pub. No. 2002/0100029.

As per Claim 3, Akram et al. and Shah in combination teach all the feature of the claimed invention except wherein said modem incorporates Handel-C.

Bowen teaches wherein said modem incorporates Handel-C (see fig. 6 element 604 and page 1 [0009]).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Bowen into Akram and Shah as to enable a software or hardware engineer to target directly FPGAS in similar fashion to classical microprocessor cross-compiler development tools as taught by Bowen (see page 1[0009]).

For the reasons stated above for Claim 1, Claim 3 is not obvious over the prior art.

In page 3, paragraph 2 of the response, applicant asserts that the combination of Shah and Akram is not obvious over claim 1.

Examiner respectfully disagrees.

In response to applicant's argument that **Shah is not useful to Akram,** a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant previously pointed out that the Examiner was not referring to Shah, but to the prior art section in Shah which Shah teaches away from. Applicant does not know how the Examiner can combine the references and make the argument if the teaching is of the prior art in Shah and not Shah.

In page 4, paragraph 1 of the response, applicants asserts that the combination of Shah and Akram is not obvious to teach a speech compression between 5.6-6.4 kbps.

Examiner respectfully disagrees.

Akram teaches a compressed voice call between 8 and 16 kbps. Although Akram teaching does not fall within 5.6 to 6.4 kbps, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPq 871 (CCPA

1981). Therefore, applicant arguments are moot and this claim stands rejected as stated above.

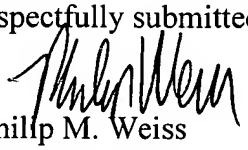
The Examiner states that the prior art teaches a compressed voice call between 8 and 16 kbps. The Examiner states that the prior art does not claim which is claimed of 5.6-6.4 kbps. The Examiner states that it is the combined references which teaches what the references would have suggested. Yet, nowhere is this element of the claim suggested. Therefore, the claim is allowable.

Applicant now believes that the application is in condition for allowance.

"EXPRESS MAIL" Mailing Label No. EM 503351279 US
Date of Deposit: December 16, 2010
I hereby certify that this paper (and any document(s) attached herewith Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on December 16, 2010

Signature: 
Name: Debbie Broderick

Respectfully submitted,



Philip M. Weiss
Reg. No. 34,751
Attorney for Applicant
Weiss & Weiss
300 Old Country Rd., Ste. 251
Mineola, NY 11501
(516) 739-1500